

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

FILED

AUG 07 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

ARNOLDO FLORES DE LUNA

Plaintiff

VS.

TRAVELERS INSURANCE COMPANY

Defendant

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§
§

CIVIL ACTION NO.

DR 19CV0049

DEFENDANT'S, TRAVELERS INSURANCE COMPANY, NOTICE OF REMOVAL

Defendant, TRAVELERS INSURANCE COMPANY, files this Notice of Removal for the purpose of removing this cause to the United States District Court for the Western District of Texas, Del Rio Division, and states as follows:

I. STATE COURT ACTION

1. This is an uninsured/underinsured motorist action filed on or about June 24, 2019, in the 293rd District Court of Maverick County, Texas (the "State Court") Cause No. 19-06-37544-MCV on the court docket (the "State Court Petition"). Plaintiff ARNOLDO FLORES DE LUNA has filed suit against Defendant for underinsured motorist benefits which Plaintiff alleges Defendant refused to pay reasonable benefits under the policy in question. Plaintiff has made claims for the full amount of his damages for an automobile accident which took place in June 6, 2018 in Maverick County, Texas (the "Accident"). Plaintiff alleges claims of negligence, negligence per se, negligent entrustment and hiring against the underlying Defendants/tortfeasors. Plaintiff's causes of action arise entirely under Texas state tort law.

II. FEDERAL JURISDICTION

2. Plaintiff Arnoldo Flores de Luna alleges that he “is an individual and resident of Eagle Pass, Maverick County, Texas. Defendant, Travelers Insurance Company, is a foreign corporation. The amount in controversy is in excess of \$75,000.00, exclusive of interest and costs.

3. There is, therefore, complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on this court pursuant to 28 U.S.C. § 1332 (a)(1). The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§ 1332, 1441, and 1146.

III. STATE COURT DOCUMENTS ATTACHED

4. Defendant received notice of the suit on July 17, 2019. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b)(1). Attached hereto are copies of all pleadings, process, and orders received or filed by the parties in the State Court pursuant to 28 U.S.C. § 1446(a). Also attached is a copy of the State Court docket sheet, and the entire contents of the State Court file.

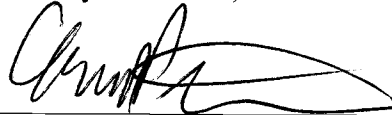
IV. EXHIBITS TO NOTICE OF REMOVAL

5. **The index of State Court documents are as follows:**
 - A. **Docket Sheet** from the 293rd of Maverick County, Texas;
 - B. **Plaintiff’s Original Petition and Declaratory Judgment;**
 - C. **Citation;** and
(Issued as to Travelers Insurance Company)
 - D. **Defendant’s, Travelers Insurance Company, Original Answer**
(Filed in State Court before Removal)
6. **List of Counsel of Record.**

V. RELIEF REQUESTED

7. Defendants respectfully request that Cause No. 19-06-37544-MCV, in the 293rd District Court of Maverick County, Texas, be removed to the United States District Court for the Western District of Texas, Del Rio Division - the district court and division of proper jurisdiction and venue, and that this court assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,



CHRISTOPHER C. PETERSON

Texas State Bar No. 00798430

Federal I.D. #: 21184

LOPEZ PETERSON, PLLC

Colonnade Square I

101 West Hillside, Suite 1

Laredo, Texas 78041

(956) 718-2134 – Telephone

(956) 718-2045 – Facsimile

***Attorney In Charge For Defendant
Travelers Insurance Company***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was forwarded via certified mail, return receipt requested, via facsimile and/or hand-delivered to the Plaintiff on the 5th day of Aug 2019, to-wit:

Via Facsimile No: 830.776.7004

Alfonso Nevarez

NEVAREZ LAW GROUP, P.C.

780 Rio Grande St.

Eagle Pass, Texas 78852

A handwritten signature in black ink, appearing to read 'Chris Peterson', is written over a horizontal line.

CHRISTOPHER C. PETERSON

Laredo, Texas 76041

LOPEZ PETERSON, PLLC
Attorneys at Law
Colonnade Square I
101 W. Hillside, Suite 1

RECEIVED

AUG 07 2019

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WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY

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